



Paper No. 4

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DEC 04 2001

OFFICE OF PETITIONS

In re Application of
Mitsuru Akaike
Application No. 09/852,225
Filed: May 9, 2001
For: Stopper Device and Telescope Unit

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: DECISION GRANTING
: PETITION
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This is a decision on the paper styled "Petition To Correct Filing Receipt" filed August 20, 2001, requesting that the above-identified application be accorded a filing date of May 9, 2001, rather than the presently accorded filing date of May 8, 2001. The request is properly being treated as a petition under 37 CFR 1.10(c).

Petitioner alleges that the application was filed on May 9, 2001. In support of the petition, petitioner has provided a copy of an "Express Mail" mailing label and an "Express Mail" Corporate Account Mailing Statement, both bearing "Express Mail" label no. EL819316131US, the same "Express Mail" label number which appears on the original application transmittal letter. However, the date listed in the "date-in" box appearing in the copy of the "Express Mail" label is either omitted or illegible.

The rule specifically requires that the "date-in" must state the date of actual deposit. Placing the "Date-In" on the "Express Mail" label by the postal clerk establishes that the package was actually received by the Postal Service. That is the date that verifies that the package was actually mailed. Therefore, since the full date of deposit is either missing or illegible in the "date-in" box on the Express Mail label, the copy of the Express Mail label cannot be accepted as evidence in the support of the petition. However, the "Express Mail" Corporate Account Mailing Statement submitted with the Express Mail label shows that the correspondence was deposited with the U.S. Postal Service (USPS) as Express Mail on May 9, 2001.

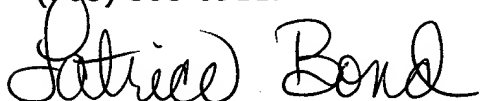
In view the above, the petition meets the requirements of rule 37 CFR 1.10.

The petition is granted.

The application is being forwarded to the Office of Initial Patent Examination for

further processing with a filing date of May 9, 2001 and for mailing of a Corrected Filing Receipt.

Telephone inquiries concerning this matter may be directed to Latrice Bond at (703) 308-6911.



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